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NEXSEN | PRUET

Marcus A. Manos
Member
Also Admitted in NC, DC

2005 MAY 17 PM 2:40

RECEIVED

May 17, 2005

VIA HAND DELIVERY

Gary E. Walsh
Executive Director
South Carolina Public Service Commission
Synergy Office Park
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Coastal Electric Cooperative, Inc. v. South Carolina Electric & Gas Company

Dear Mr. Walsh:

Enclosed for filing with the Public Service Commission is an original and sixteen copies of the Notice and Complaint in the above referenced matter. Please return a copy, clocked-in, to me via our courier.

Thank you for your assistance in this matter.

With best regards, I am

Very truly yours,



Marcus A. Manos

MAM/hjr

Enclosures

cc w/encl.: C. Duke Scott, Executive Director
South Carolina Office of Regulatory Staff

1441 Main Street
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Attorneys and Counselors at Law

BEFORE
THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA
DOCKET NO. 2005-154-E

SO. CAROLINA
PUBLIC SERVICE COMMISSION
JUL 17 11 24 AM '05

IN RE:

Coastal Electric Cooperative, Inc.,

Complainant,

vs.

South Carolina Electric & Gas Company, Inc.,

Respondent.

NOTICE

TO: SOUTH CAROLINA ELECTRIC & GAS COMPANY, INC.

PLEASE TAKE NOTICE that you are hereby required, pursuant to S.C. Code Regs. R.103-835 and R.103-841 of the Commission's Rules of Practice and Procedure, to answer the allegations contained in the Complaint filed herein, a copy of which is herewith served upon you, and further, to serve a copy of your Answer to the Complaint upon Marcus A. Manos, Esquire and J. David Black, Esquire, Nexsen Pruet, LLC, Post Office Drawer 2426, 1441 Main Street, Suite 1500, Columbia, South Carolina 29202 and to file your Answer with certification of service with the undersigned within 30 days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Complainant may apply to the Commission for the relief demanded in the Complaint.

May ____, 2005

Columbia, South Carolina

Charles Terreni
Chief Clerk/Administrator
Public Service Commission of South Carolina
Post Office Box 11649
Columbia, South Carolina 29211

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2005-154-E

IN RE:

Coastal Electric Cooperative, Inc.,

Complainant,

vs.

South Carolina Electric & Gas Company, Inc.,

Respondent.

COMPLAINT

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SO. PUBLIC SERVICE
COMMISSION

TO: THE ABOVE NAMED RESPONDENT:

Complainant would respectfully show:

1. Complainant Coastal Electric Cooperative, Inc. ("Coastal Electric"), an electric cooperative established under South Carolina law, provides electric service to domestic, commercial, or industrial customers in South Carolina, subject to certain regulations by the South Carolina Public Service Commission ("Commission"). It is located at the following address:

2269 Jefferies Highway
Walterboro, South Carolina 29488
Telephone: (843) 538-5700

2. Respondent South Carolina Electric & Gas Company, Inc. ("SCE&G") is an electric utility that provides electric service to domestic, commercial, and industrial customers in South Carolina. It is located at the following address:

1426 Main Street
Columbia, South Carolina 29218
Telephone: (803) 748-3477

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3. The Commission has jurisdiction over the parties and the subject matter of this Complaint pursuant to S.C. CODE ANN. §§ 58-27-10, et seq.

4. This dispute concerns the right of Coastal Electric to continue to serve premises pursuant to S.C. CODE ANN. §§ 33-49-250, 58-27-610, and 58-27-620.

5. Coastal Electric provided service to the premises at issue in this case prior to annexation by the municipality of Walterboro pursuant to a corridor service right established by S.C. CODE ANN. § 58-27-620.

6. Coastal Electric provided service to a house located on the Wal-Mart property from June 28, 1990 until it disconnected service in order for the house to be torn down for construction of the Wal-Mart. Prior to 1990, Coastal Electric served a number of houses located on the Wal-Mart tract of land from 1956 to 1989.

7. Coastal Electric now serves the premises in Walterboro, South Carolina, where a Wal-Mart store has been built (hereinafter "Wal-Mart premises"). On December 2, 2003 and September 29, 2004, the City of Walterboro annexed the Wal-Mart premises. Prior to annexation, Coastal Electric was serving the Wal-Mart premises and still continues to do so by Wal-Mart's choice. Pursuant to S.C. CODE ANN. §§ 33-49-250, Coastal Electric has the right to continue serving any premises it was servicing prior to annexation.

8. A controversy exists between the parties which is ripe for determination, and Coastal Electric is entitled to declaratory relief.

9. Coastal Electric has continually provided electric service to the premises located at 260 Lagrande Lane, Walterboro, South Carolina since 1956.

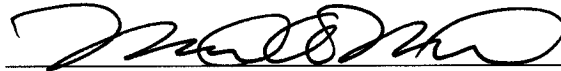
10. Although the City of Walterboro annexed this property on December 2, 2003 and September 29, 2004, Coastal Electric maintained the right to continue to serve the premises it

already legally served pursuant to S.C. CODE ANN. § 33-49-250.

11. Wal-Mart accepted Coastal Electric's offer of service on July 28, 2004 for its permanent electric service.

12. This Commission should find that Coastal Electric has continually served the Wal-Mart premises since 1956 and that Coastal's right to continue this service was not extinguished by annexation. This Commission should further find that Coastal Electric has the continuing right to serve the Wal-Mart premises.

WHEREFORE, Coastal Electric prays for declaratory relief and an order allowing it to continue service to the Wal-Mart premises.



Marcus A. Manos
J. David Black
Manton M. Grier, Jr.
NEXSEN PRUET ADAMS KLEEMEIER, LLC
1441 Main Street, Suite 1500
Post Office Drawer 2426
Columbia, South Carolina 29202
803.771.8900

Attorneys for Complainant

May 17, 2005

Columbia, South Carolina